

REMARKS

In the Drawings

5 31 CFR 1.83(a) Objections

The Examiner objected to the drawings pursuant to 37 CFR 1.83 (a) for the reason that they failed to show certain features. Specifically, the Examiner objected because:

10 (1) Front wall latch means 85 was not shown. Front wall latch means 85 is shown on Figure 10, It was mislabeled as "84". A correction has been made.

 (2) In Figure 1, side wall 38 was mismarked as 22. A correction has been made.

15 (3) Lower latch means 59 was not clearly shown in Figure 2. The Lower latch means is better seen in Figures 1 and 9. A correction has been made to the Specification to better illustrate this feature.

20 (4) In Figure 3, the Examiner noted some unexplained error. Applicant assumed that the lead line to horizontal protrusion 55 was not pointing to its feature and that the lower latch means 59 was not seen. The lead line has been changed and the Specification has been amended to better describe lower latch means 59.

25 37 CFR 1.84(p) (5) Objections

 The Examiner further objected to the drawings pursuant to 37 CFR 1.84(p) (5) because certain reference signs were not mentioned in the description. All of the objected to references have been removed from the drawings

 The Examiner also objected to Figure 3 as being misleading. The Examiner's observation was correct and Figure 3 has been amended to illustrate side wall 38 and not side wall 36.

35 Figure 1 has been amended to show appropriate lead line lengths for reference 76.

40 In Figure 11 the objected to lead line has been amended to illustrate reference 42,

In reference to the objection to Figures 14 and 15, the Specification has

been amended to better describe the invention in relation to the drawings.

Figures 19 and 20 have been amended to correct the mislabeled reference from 56 to 52 to illustrate the living hinge.

37 CFR 1.83(a) Objection

The Examiner objected to the drawings pursuant to 37 CFR 1.83(a) for failing to show every feature of the claimed invention. Applicant submits that the two living hinges as claimed in claims 14, 29, 30, and 53 are illustrated in Figures 15 and 16. The living hinges enable the divider to fold in two places to create a compartment.

The remaining 1.83(a) objections regarding the use of the phrase enclosed storage compartment have been resolved by claim amendment.

Applicant appreciates the Examiner's careful reading of the specification and drawings. Amendments have been made in accordance with those observations. Abiding by the Examiner's suggestion, Applicant submits herewith proposed drawing amendments, including annotated drawings and clean version drawings. Formal corrections will be submitted after allowance by the Examiner.

In the Specification

The Examiner noted that side wall was incorrectly capitalized as Side wall throughout the description. An amendment to the specification has been made to address the problem. Applicant appreciates the Examiner's observation.

The Examiner maintains that on page 11, lines 16-19, it is unclear how pressure is applied to remove the divider panel from the locking means. Applicant submits that the procedure is adequately explained in line 19 wherein it explained that after pressure is applied, the divider panel "begins to bow and, thereby, allows divider panel 56 to be removed from the divider vertical locking means 58."

In the Claims

Claims Objections- Informalities

In Claims 11 and 30, the Examiner noted superfluous words. Appropriate amendments to claims 11 and 30 have been made.

Claims Rejection- ;5USC Section 112

5 The Examiner rejected Claims 1-4, 8-11, 14-17, 22-26, 28 - 30, 44, 46-50, and 53 for failing to distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner noted that there was insufficient antecedent basis in the claims. Amendments have been made to the claims that address the Examiner's concerns.

Double Patenting

10 The Examiner noted that there "was a potential double patenting issue" with claims 29, 53, and possibly 30 should claim 14 be allowed. Applicant has cancelled claims 29 and 53 without prejudice or waiver of rights. Applicant will move forward with claim 30 as it pertains to a truck bed and not a truck bed liner.

15 The Examiner also found that should claim 1 be allowed, claim 15 may be objected to. It is Applicant's position that these claims cover distinct matter. Claim 1 addresses a truck bed liner while claim 15 addresses any vehicle that could benefit from an enclosure, such as the newly developed SUVs that can be enclosed or open backed.
20

The Examiner also rejected claims 44, 46-50 as being the same invention as claims 1, 3-5, and 7-8 of U.S. Patent number 6,015,178. Applicant respectfully disagrees. U.S. Patent number 6,015,178 is directed to a truck bed *liner*, while the subject claims of the current application are directed to a truck bed. Applicant
25 asserts that these are two separate devices.

Claims Rejection- 35 U\$C Section 102

The Examiner rejected Claims 1,4, 8, 15, and 22 as being anticipated by Yudenfreund. Applicant respectfully disagrees. Yudenfreund claims a foldable
30 insert for station wagon. Applicant's reading of Yudenfreund does not reveal any description or claim of compartmentalizing capabilities of his insert. Instead, Yudenfreund is essentially a cover for protecting the back of a Station wagon, much like a traditional bed liner protects a truck bed.

35 Moreover, Applicant disagrees that Yudenfreund describes or contemplates creating an enclosed compartment. It is logical to assume that there was not reason to do so since Yudenfreund is designed for the back of a station wagon, an already enclosed vehicle.

40 Applicant respectfully submits that, as claimed, his invention is not anticipated by Yudenfteund. Applicant's invention comprises a liner that can

compartmentalize a truck bed and create an enclosure in a truck bed, neither of which are described or contemplated in Yudenfreund.

5 The Examiner rejected Claims 1-5, 8-10, 14-17, 22-24, 28-30, and 53 as also being anticipated by Yudenfreund. Applicant noted in the Examiner's argument that Hollenbaugh, Sr. is cited. Applicant assumes the Examiner meant to state anticipation by Hollenbaugh, Sr. Clarification is requested.

10 Applicant respectfully disagrees with the Examiner that Hollenbaugh, Sr. anticipates his invention. Hollenbaugh, Sr. describes and claims a multi-piece box that fits into a truck bed. Hollenbaugh, Sr. actually teaches away from Applicant's invention. First, one problem that Applicant's invention addresses is keeping separate items for compartmentalization from being stored in the truck bed where they can fly around. Applicant's invention enables the dividers and compartments to be completely broken down and placed out of sight while still being in the
15 truck bed for later use. The pieces are part of the liner itself, manipulated through living hinges.

Hollenbaugh, Sr., on the other hand is a box that cannot be broken down and placed out of sight in the truck bed. It is always there taking up space or it must be removed from the truck bed and stored elsewhere.
20

A second problem addressed by Applicant's invention is loose and dangerous pieces of material in the truck bed. Applicant's liner, as claimed, provides for a single piece bed liner having divider and compartmentalization properties.
25

Hollenbaugh, Sr., on the other hand, provides for a multi-piece unit. If certain portions of that unit are not required, they are then either allowed to be loose in the back of the truck where they can act as projectiles or they must be stored elsewhere, defeating the purpose of a compartment if you need it and the
30 pieces are not there.

Applicant respectfully submits that, as claimed, his invention is not anticipated by Hollenbaugh Sr. Applicant's invention comprises a liner that can compartmentalize a truck bed, all of which is done in a single piece unit.
35

Claim Rejection- 35 USC Section 103

The Examiner rejected Claims 11 and 25 as being unpatentable over Hollenbaugh, Sr in view of Heft. Applicant respectfully disagrees. As stated above, Hollenbaugh, Sr does not address or contemplate the problems and
40 solution of Applicant's invention. Hollenbaugh, Sr is a multi-piece unit that cannot be broken down and placed out of sight.

Further, neither Hollenbaugh, Sr. nor Heft contemplate or describe the use of a living hinge in a single-piece bed liner. Heft, additionally, only makes up two of the sides of the compartment; the truck bed itself provides the other four sides. Accordingly, no true compartment is created, only a cover for items set in the truck bed. The truck bed is subject to undue wear, defeating the purpose of a liner. Applicant's invention, however, provides complete protection to both stored items and the truck bed using the liner side walls, tail gate portion, and divider panel.

Moreover, Heft is not a bed liner or integral to the bed; it is a device that must be secured to the bottom of the bed. Applicant's invention, on the other hand, is part of a liner that is placed in the bed or part of the bed itself. Securing Heft's invention to the bed will void many manufacturers warranties in as much as it requires screwing the device to the bed. This problem is avoided by Applicant's invention.

Applicant has cancelled claims 29 and 53 and amended other claims. Each cancellation and amendment was done solely to clarify the Applicant's invention. No cancellation should be viewed as disclaiming or surrendering any subject matter. No amendment should be construed to narrow a given claim or surrender subject matter.

Applicant submits that his claims as presented are patentable over the prior art. Applicant respectfully request, therefore, that the Examiner recommend allowance of the claims. If the Examiner has any questions or believes that a telephone interview with Applicant's attorney would be beneficial in moving this case along, please do not hesitate to contact the undersigned.

Respectfully submitted,

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Clean Version of Amendments to the Specification

On page 6, line 20, please delete the word "Side" and insert the word -- side- - as follows:

FIGURE 5 depicts the inventive device wherein the divider panel
5 is created from the liner side wall.

On page 7, line 2, please delete the word "Side" and insert the word -- side-- as follows:

FIGURE 6 depicts a top view of the divider panel in its assembled
10 configuration as integrated from the liner side wall.

On page 8, line 2, please delete the word "Side" and insert the word --side-- as follows:

FIGURE 14 depicts another alternate embodiment in its assembled
15 configuration as formed from the liner bottom and side wall.

On page 8, line 5, please delete the word "Side" and insert the word -- side-- as follows:

FIGURE 15 depicts a top view of the alternate embodiment of Figure 14 in
20 which the liner bottom is used in conjunction with multiple living hinges to form a truck storage compartment with the side wall.

On page 8, line 11, please delete the word "Side" and insert the word - . side- - as follows:

FIGURE 16 depicts a rear view of the alternate embodiment in which the enclosure and divider panels are raised from the horizontal position prior to forming the trunk storage compartment with the liner side wall.

On page 8, line 13, please delete the word "Side" and insert the word - - side- - as follows:

FIGURE 17 depicts a top view of the divider panel with a living hinge within the liner bottom and liner side wall to create the sides of the trunk storage compartment with the enclosure panel being formed from the liner front wall.

On page 8, line 16, please delete the word "Side" and insert the word - - side- - as follows:

Figure 18 depicts a rear view of the divider panel raised from the horizontal position from the liner bottom and the enclosure panel in the liner side wall being raised to form the trunk storage compartment.

On page 9, beginning at line 17 and continuing in that paragraph through its end on page 10, line 5, please delete the word "Side" and insert the word - - side- - as follows:

The truck bed liner is molded to generally fit the contour of a truck bed, including wheel well shrouds 42. Liner bottom 40 is co-formed to liner front wall 34 at 48. Liner bottom 40 is coformed to liner side walls 36, 38 at 50
5 beginning at a point adjacent liner front wall 34 to a first predetermined point on side [Side] walls 36, 38. At the first predetermined point is found living hinge 52. Living hinge 52 extends from liner side wall 36 to opposite liner side wall 38. Liner bottom 40 extends to the rear of a living hinge 52 to a second predetermined point 53. Between living hinge 52 and second
10 predetermined point 53, liner bottom 40 is not attached to liner side walls 36, 38. At second predetermined point S3 is found free edge 54. Free edge 54 extends from liner side wall 36 to liner side wall 38. Along free edge 54 is optionally found horizontal protrusion 55 along its edge. Horizontal protrusion 55 provides strength to the divider. The perimeter formed by the
15 unattached portion of liner bottom 40 and living hinge 52 comprises divider panel 56.

On page 12. beginning at line 5 and continuing in that paragraph through its end at line 12, please delete the word "Side" and insert the word - - side- - as follows:

Figure 5 illustrates that divider panel 56 may also be molded or cut into
20 the liner side walls 36, 38 of truck bed liner 20. In this embodiment, divider panel 56 is formed into one wall, either liner side wall 36 or liner

side wall 38, which permits divider panel 56 to pivot about living hinge 52 on the vertical axis and then be secured into place by a divider lock means 58 found on the opposite liner side wall as illustrated in Figure 6.

The disadvantage of this embodiment is that the side wall surface

5 available to mold or cut a divider may not be sufficient to completely bridge liner bottom 40 between liner side wall 36 and liner side wall 38 of truck bed liner 20. To address this problem, two divider panels, each of which is of a length equal to one-half the length of the liner may be used. In this manner, the two divider panels can join in the center of the bed to
10 form a single divider panel.

On page 12, line 1, please delete the number "4" and insert the number - - 9 - - as follows:

FIGURE 9, latch means 59 protrudes from each liner side wall 36, 39 near
15 the lower aspect of each side wall.

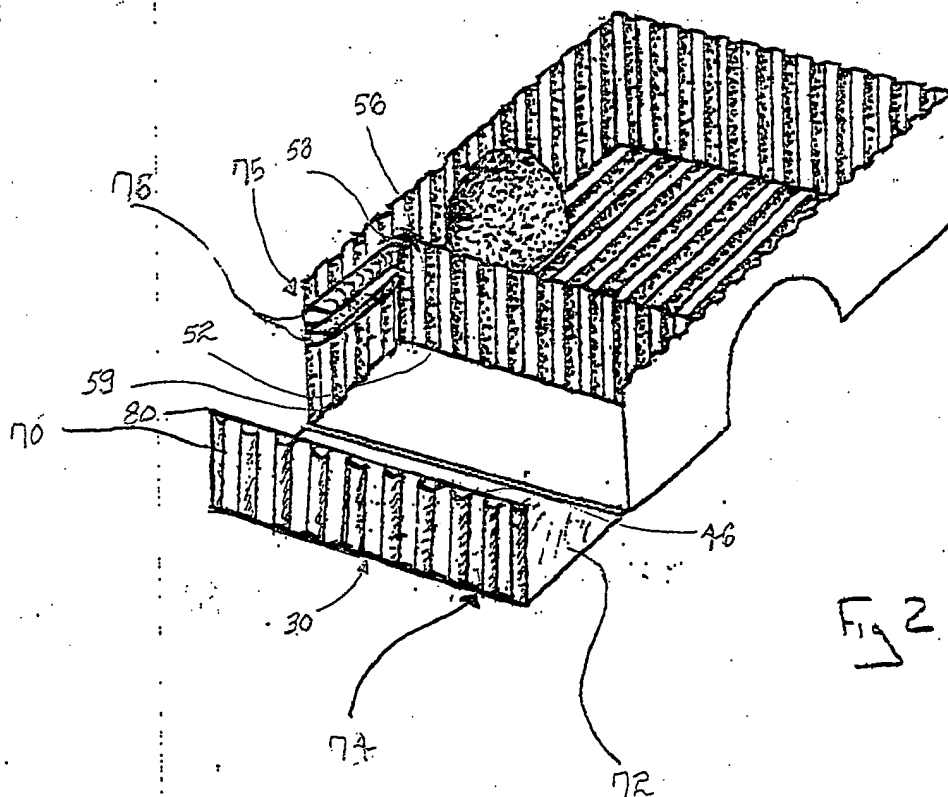
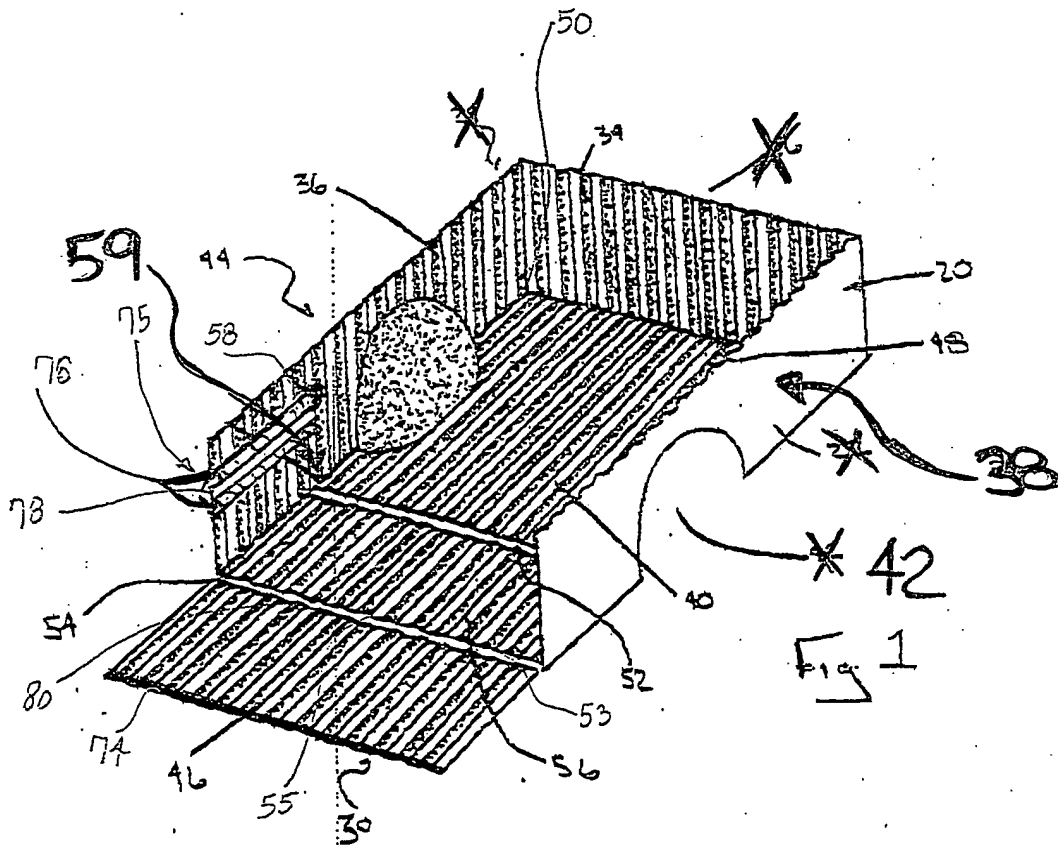
On page 16, beginning at line 7 and continuing in that paragraph through its end at line 8, please delete the word "Side" and insert the word - - side - - as follows:

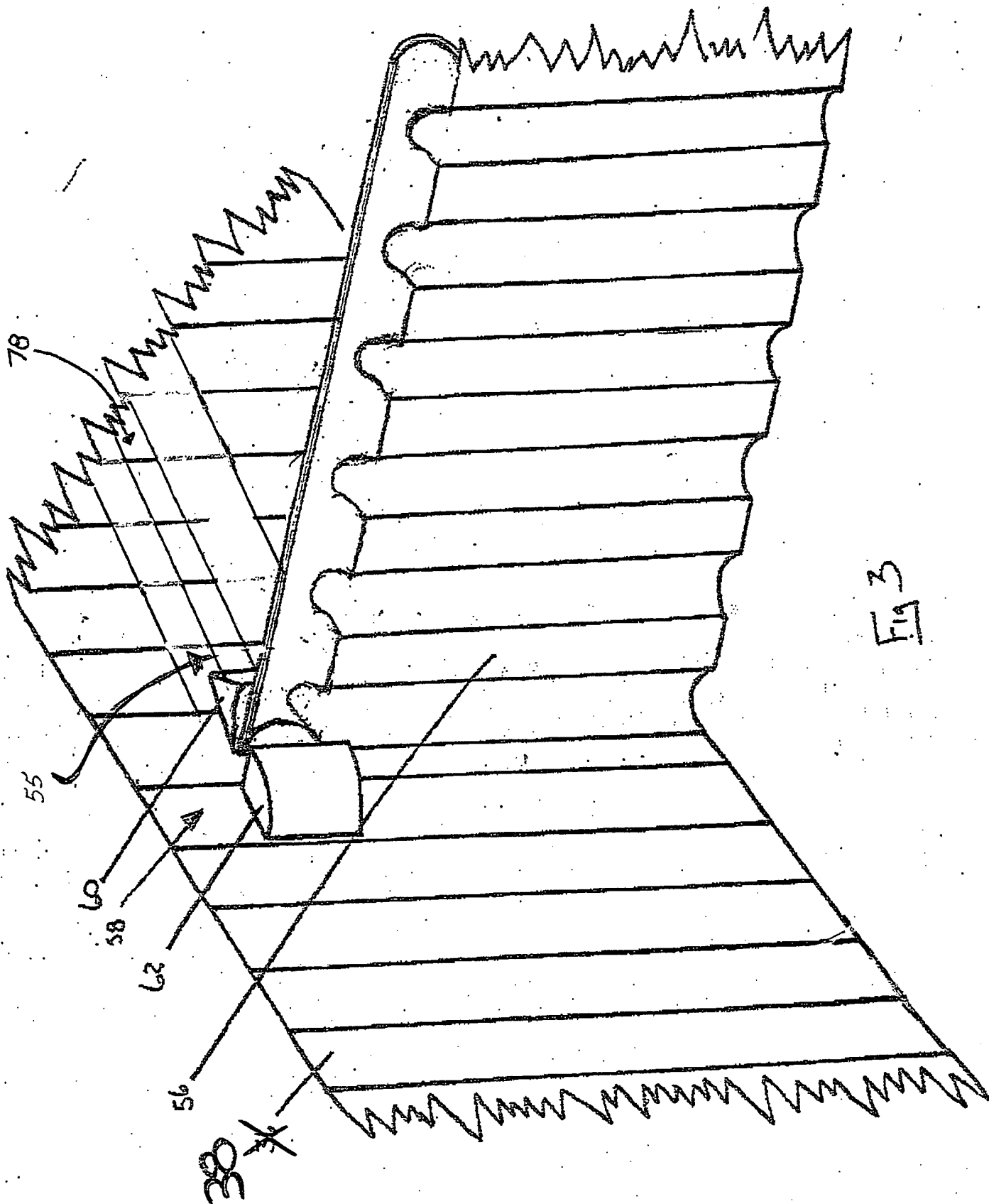
20 This alternate embodiment may also be accomplished using the same inventive concept as illustrated in Figure 17 by providing liner bottom 40 with a divider panel 56 and a living hinge 52 and liner side wall 36 or liner

side wall 38 with a side panel 98 to form the sides of the truck storage compartment with enclosure panel 92 being located within liner front wall 34.

5 On page 16, 'beginning at line 9, please insert the phase - - As illustrated in Figure 18, yet another- - amend the paragraph as follows:

As illustrated in Figure 18, yet another embodiment may also be accomplished without liner side wall 36, 38 providing a side panel 98 (of Figure 17). Instead, the side walls provide an enclosure panel 92 that has a
10 living hinge 52 located on liner side walls 36 or 38 to rotate from a vertical position to a horizontal position for attachment to latch means 96 located along front liner wall 34 with divider panel 56 being rotated to a vertical position from its horizontal position within liner bottom 40.





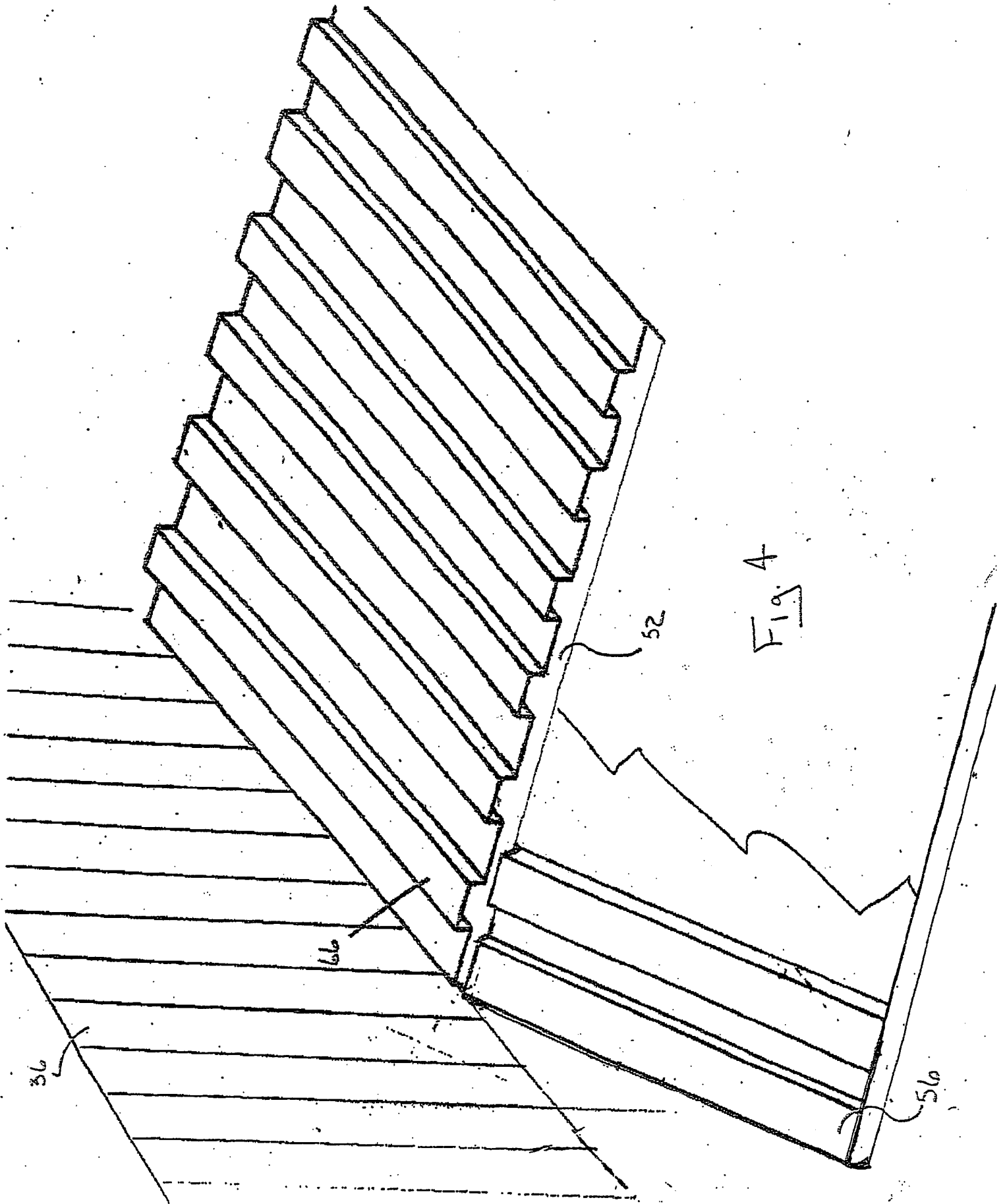


Fig. 4

FIG. 5

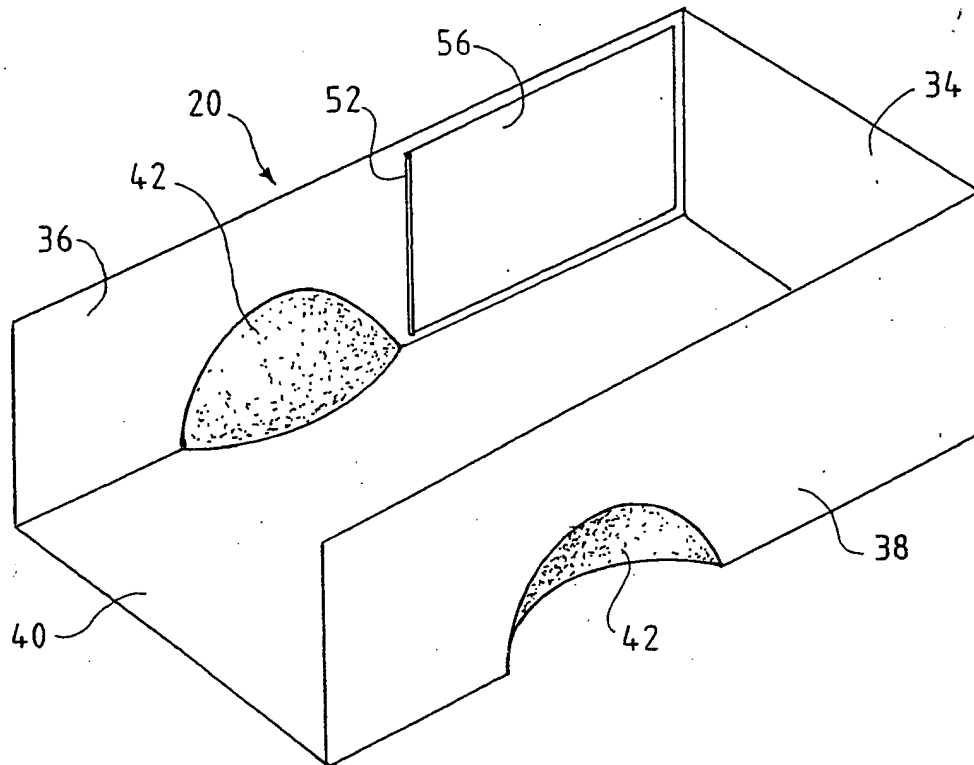
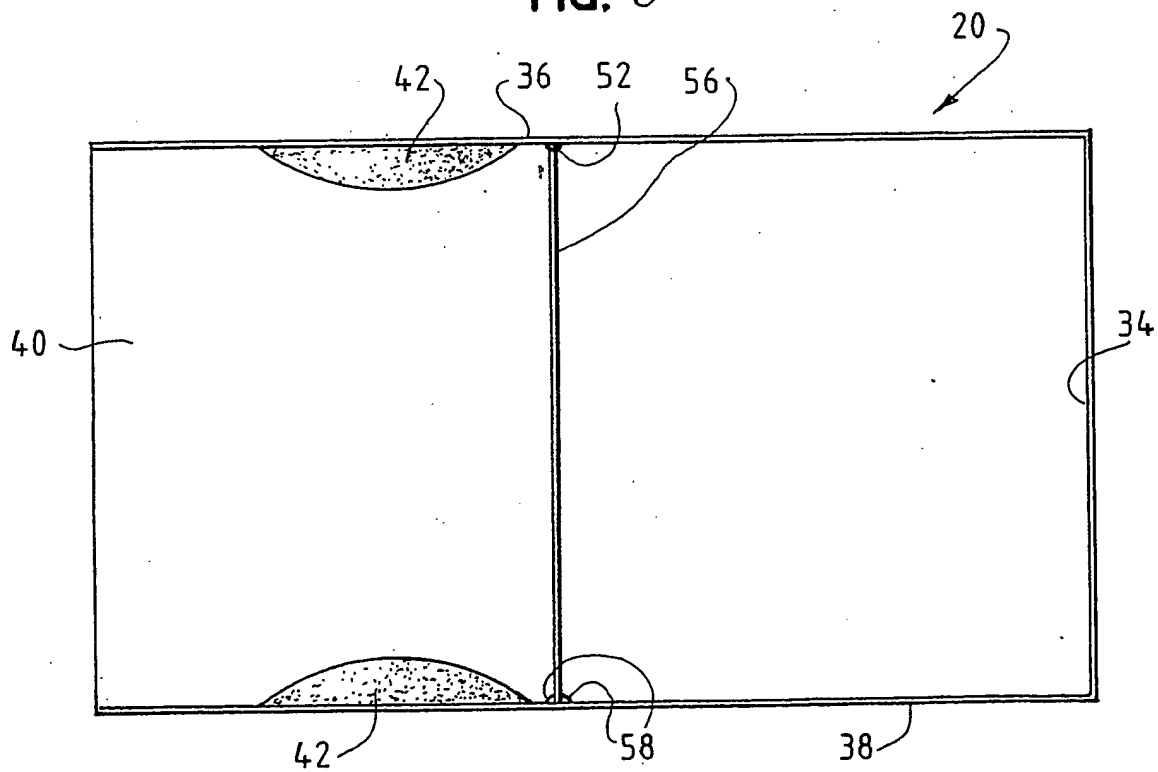
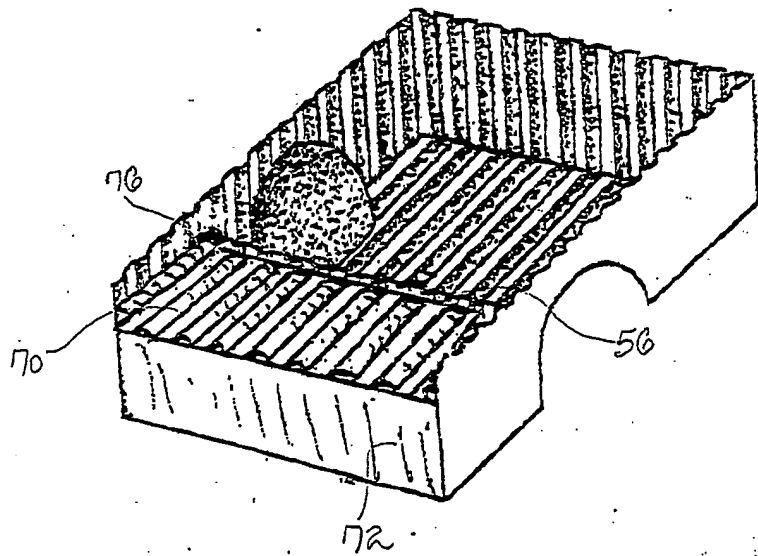
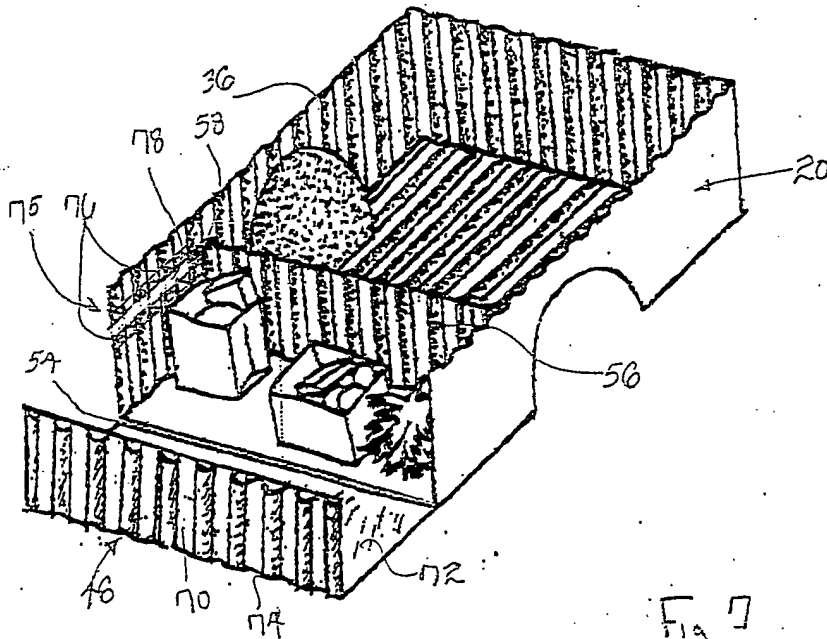


FIG. 6





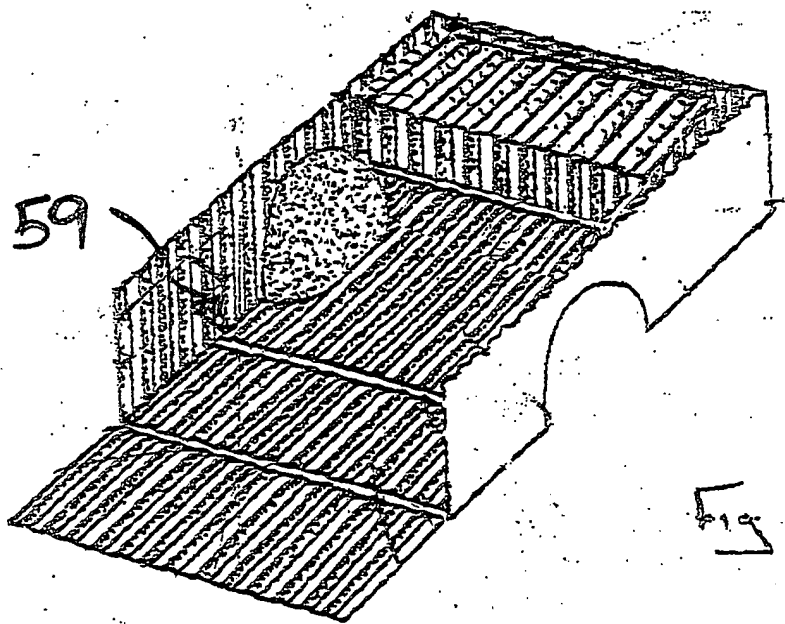
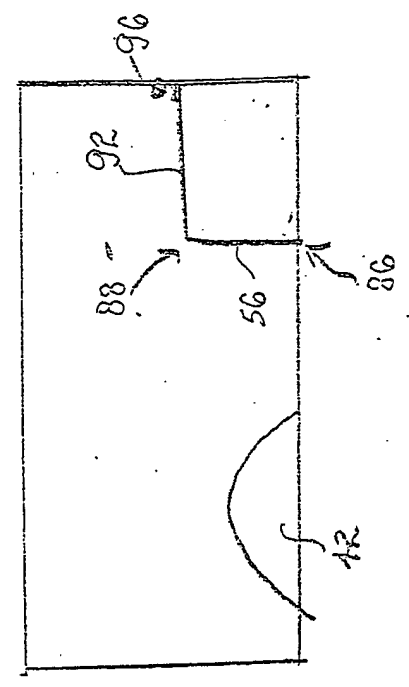
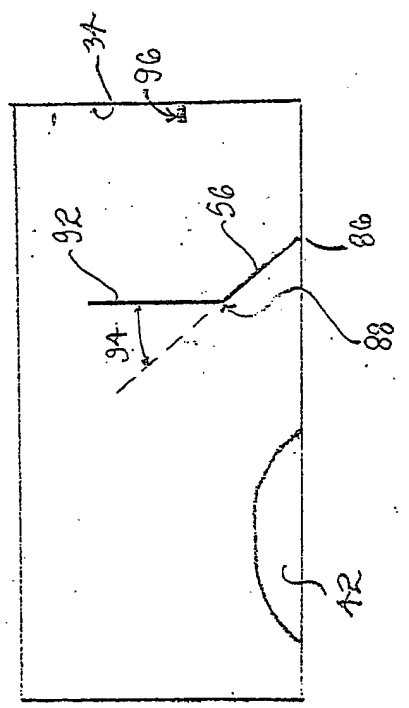
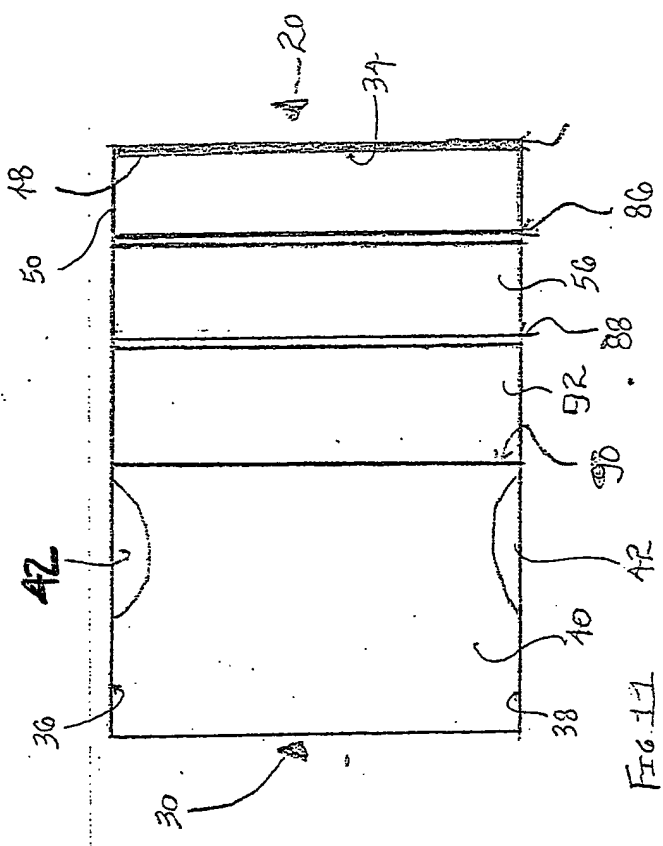


Fig 9



"ANNOTATED"

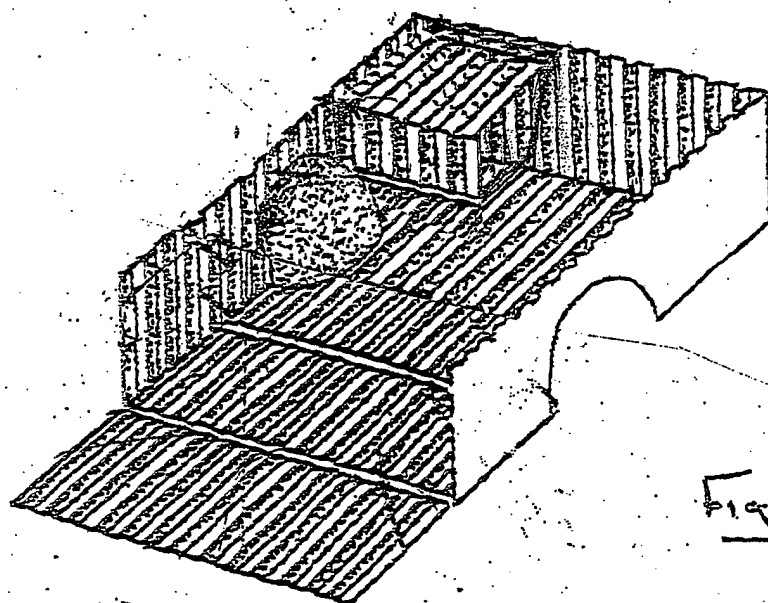


Fig. 14

"UNNOTATED"

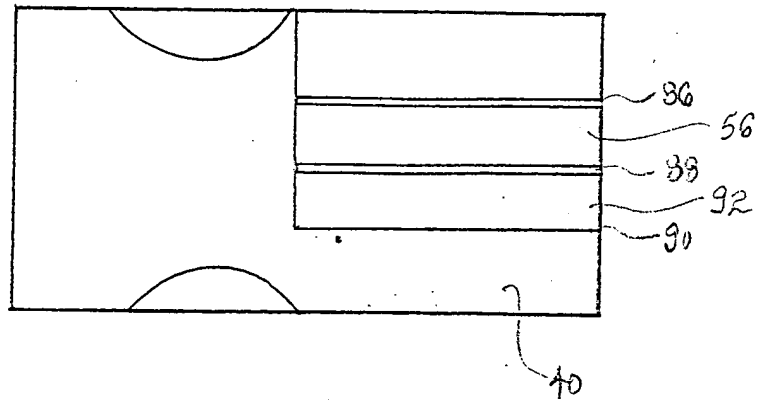


FIG. 15

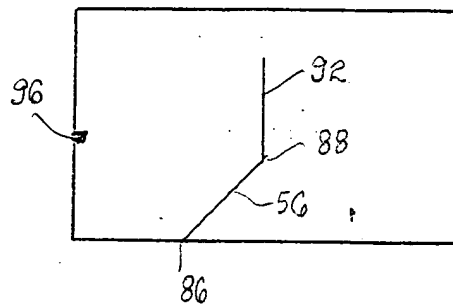


FIG. 16

"A" NOTATED

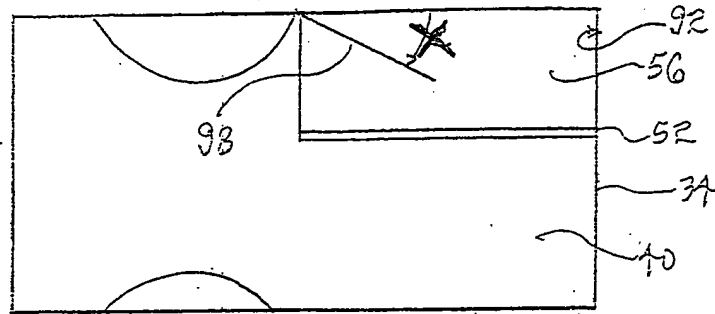


FIG. 17

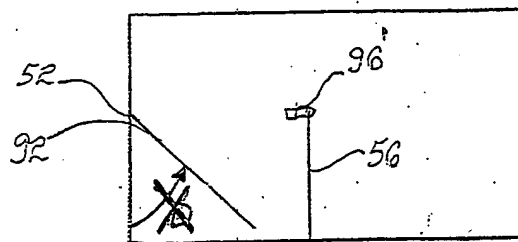


FIG. 18

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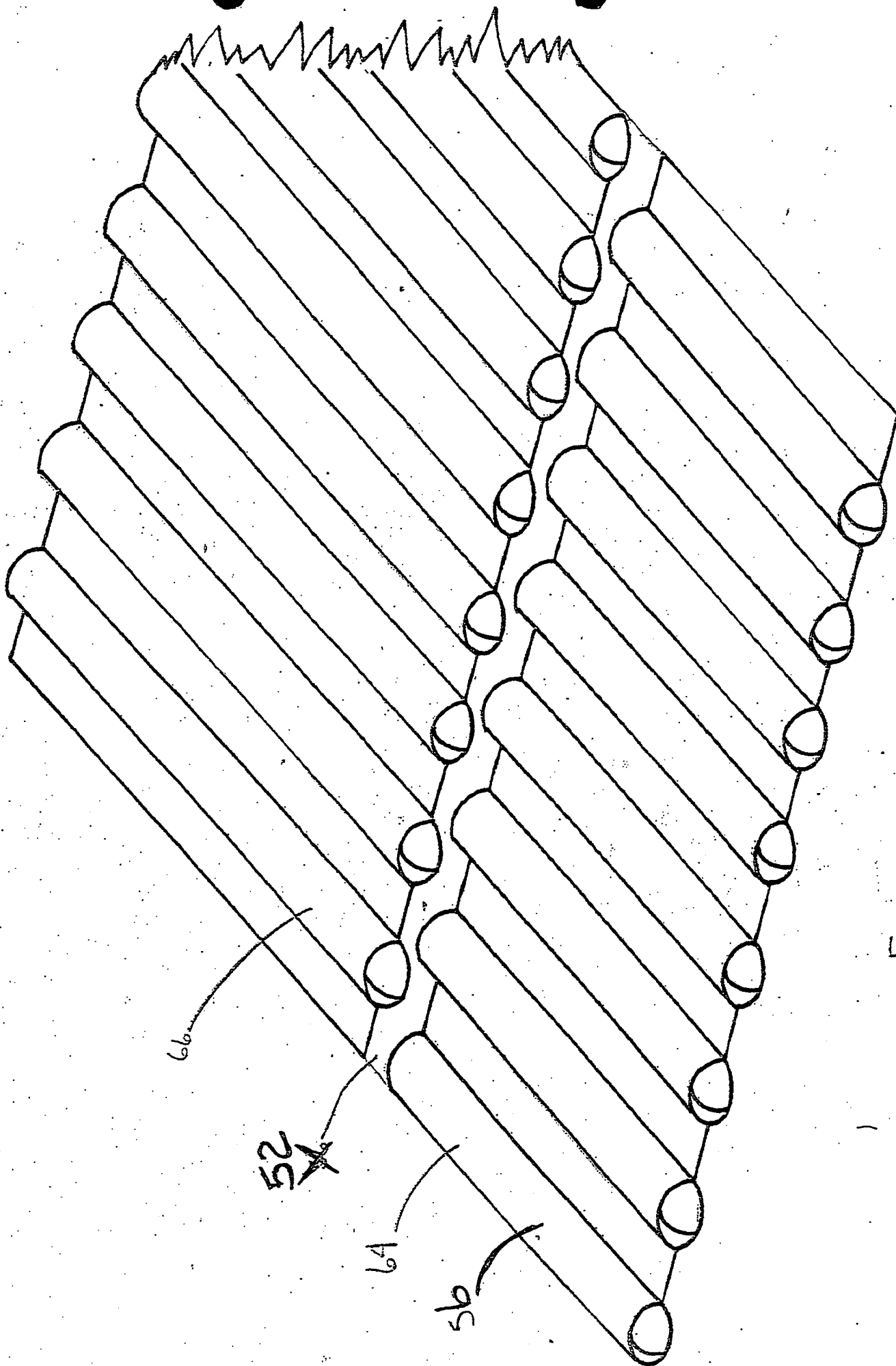


Fig. 29

"ANNOTATED"

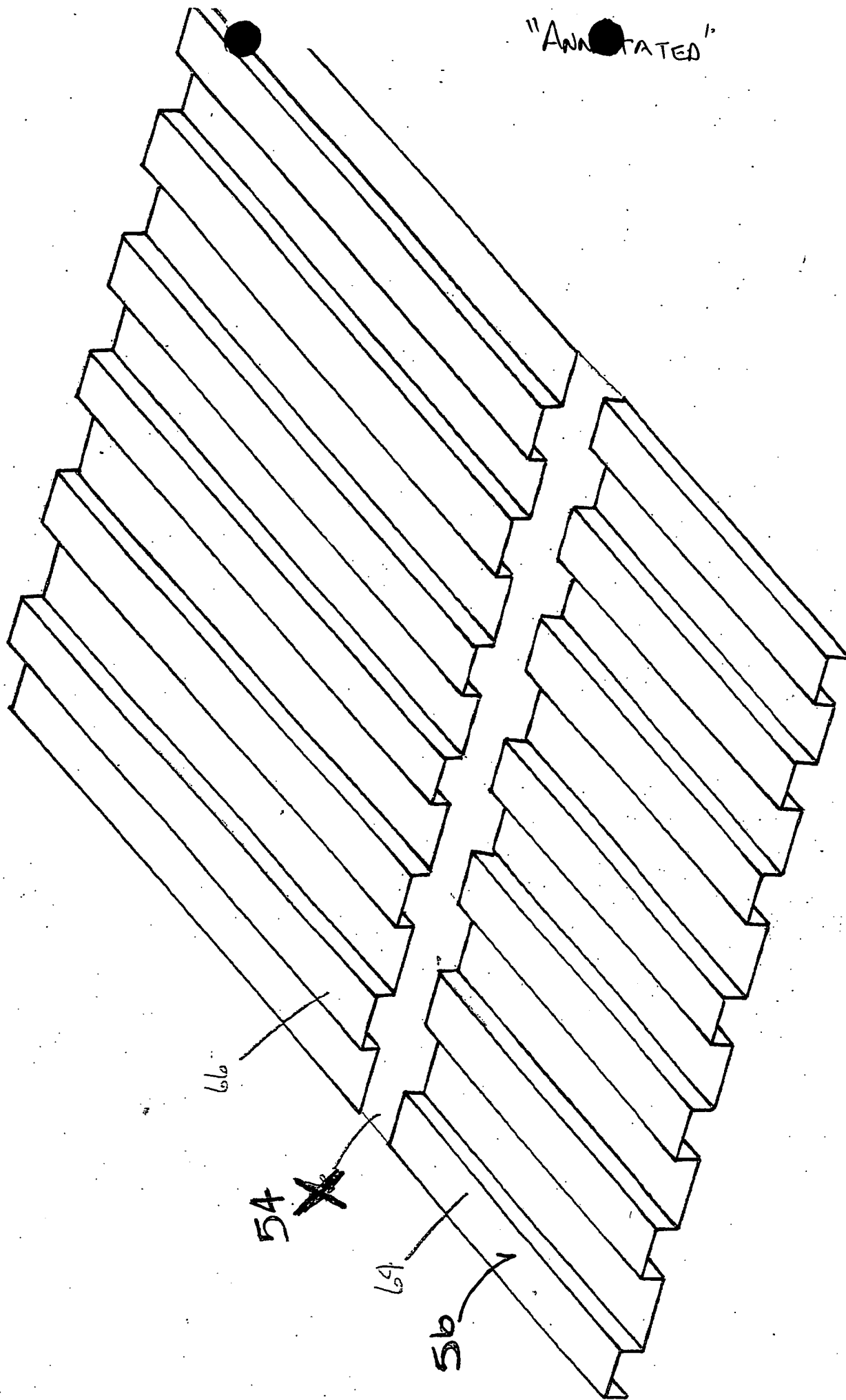


Fig. 20